IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 9652 of 2004

Between:

The Gangaputra Society, Bazar Hathnoor Village & Mandal,
Adilabad District, rep. by its President Magira Poshatty.

..... PETITIONER

AND

1 The Assistant Director of Fisheries Nirmal, Adilabad District.
2 The Gram Panchayat, Rep. by its Sarpanch Bazar Hathnoor Village & Mandal, District Adilabad,

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ or direction preferably writ of Mandamus declaring the action of the 1st respondent in taking appropriate action for constitution of regular fishermen co-operative society, consisting of the Petitioner Society members in respect of Bazar Hathnoor Village & Mandal, Adilabad District is illegal, arbitrary and violative of principles of natural justice and consequently declare that the 2nd respondent Gram Panchayat has no authority whatsoever in respect of the Bazar Hathnoor Reservoir.

Counsel for the Petitioner:MR.KOWTURU VINAYA KUMAR

For the Respondent No.1: GP FOR FISHERIES

For the respondent No.2: Mr. P. Raghavendra Reddy, S.C. for Gram Panchayat

The Court made the following :

O R D E R :

The petitioner is a Society consisting of fishermen. They belong to a village known as Bazarhathnoor in Adilabad District. The petitioner contends that they are conducting fishing operations and eking out their livelihood in the reservoir of their village. They got their society registered under A.P. (Telangana) Public Societies Registration Act on 12-03-2003 and the society consists of members of about 40 including the people belonging to tribal community. They made a representation to the first respondent on 07-06-2004 to constitute a Fishermen Co-Operative Society for their village and the representation is pending with the first respondent. The petitioner, therefore, approached this Court to direct the first respondent to constitute Fishermen Co-Operative Society with eligible persons as members.

2. The Learned Counsel for the respondents represented that the village of the petitioner-society is situated in scheduled area and it is governed by Act 1 of 1970. He further submitted that since it is a scheduled area, the tribals are only entitled to undertake fishing operations in the reservoir and the members of the petitioner-society are not entitled to do so. Since a representation from the petitioner-society is pending with the first respondent, the first respondent is directed to examine the representation of the petitioner-society and the applications of the members of the society, and consider whether they are eligible to undertake fishing operations in the reservoir of the said village by virtue of Act 1 of 1970 and pass appropriate orders regarding the request of the petitioner-society for the formation of Fishermen Co-operative Society for that village, within three months from the date of receipt of copy of this order.

3. The Writ Petition is accordingly disposed of. No costs.

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03-08-2004

ASSISTANT REGISTRAR

//**TRUE COPY**//

SECTION OFFICER

To:

1. The Assistant Director of Fisheries, Nirmal, Adilabad District.
2. The Sarpanch, Gram Panchayat, Bazar Hathnoor Village & Mandal, District Adilabad.

3. 2 CCs to G.P. for Fisheries, High Court Buildings, Hyderabd(OUT)

4. 2 CD Copies.

Ccm/Rns